

REMARKS

In the Office action of July 24, 2008, which action was made final, claims 1, 2, 4-7, 9-17, 19, 20, 22-25, 27-35, 37, 39 and 41 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Dowden et al. (GB2342536A) in view of Chow et al. (US 20030185203 A1) further in view of Deeds (US 20040203610 A1). The Examiner has considered that it would have been obvious to one of ordinary skill in the art to combine the messaging-enabled communications device and gateway from Dowden with the distributor from Chow and activating a ring-tone when the message is being received by the gateway from Deeds.

Accompanying this submission is a Request for Continued Examination and the required Petition for Extension of Time, therefore consideration of this reply on the merits is respectfully requested.

Claims 1, 19, 37 and 42 have been amended to include the limitation that the communication device or phone activates a *fake* ringtone when the message is being received by the gateway *so that the user is made to feel that the destination telephone is being dialed in a conventional way.*

The Examiner has stated that Deeds teaches the communication device activates a ring-tone when the message is being received by the gateway (see [0035], [0037]).

In Deeds, paragraphs [0039] to [0081] teach the creation and sending of a text message which may be converted from an SMS to another message type such as a facsimile message, an electronic mail message or a page message. Applicant submits that there is no teaching of the communication device 10 in Deeds activating a ring-tone when the message sent from the communication device 10 is being received by the base station 30 of the cellular network 40 or the mobile switching centre 50. In the context of the full disclosure of Deeds, the teaching of paragraphs [0035] and [0037] must be understood to mean that the "incoming call, a short message, a page or the like" are events *directed at* the communication device 10, wherein the communication device 10 *receives* an event alert and generates a detectable output in order for a user of the communication device to detect that event, without which the user would have no knowledge of such an event taking

Conversely, as taught in page 14 lines 22-24 of the present application, the ring-tone generated when the message is being received by the gateway is a fake ring-tone to make the user feel that he is dialling the destination line in a conventional way. This is to mask the mechanism of the gateway receiving the message, placing a call to the destination phone and also placing a call back to the user to patch the two. However, there is no teaching in Deeds of the ring-tone being a fake one that is generated in order to make the user feel that he is dialing a destination telephone, because sending a message as taught in Deeds does not result in any call being patched through.

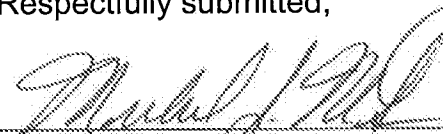
We therefore submit that Deeds does *not* teach the communication device activating a *fake* ring-tone when the message is being received by the gateway *so that the user is made to feel that the destination telephone is being dialed in a conventional way*. Deeds only teaches generating a ring-tone to alert a user to an incoming event such as an incoming call, a short message, a page or the like. There would therefore be no motivation for a skilled person to combine the teaching of Deeds with that of Dowden and Chow to arrive at the present invention as claimed in the currently amended claims.

CONCLUSION

In view of the Amendment and Remarks, reconsideration of the application is respectfully requested. After the Amendment, claims 1-17, 19-35 and 37-42 are still pending and a Notice of Allowance for these claims is earnestly solicited.

Respectfully submitted,

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